

REMARKS

Reconsideration of the above-identified application in view of this amendment and these remarks is respectfully requested.

It is noted with appreciation that the subject matter of claims 6 and 11 are indicated as allowable and that claims 15-18 have been allowed. By this amendment, claims 1, 8, 9, and 13 have been amended.

Claims 1-5, 8-10, 13, and 14 have been rejected under 35 U.S.C. §102 as being anticipated by a Burton et al. publication GB 2,292,126A.

Anticipation requires a single prior art reference that discloses each element of the claim. W. L. Gore & Associates v. Garlock, Inc., 220 UPSQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

The Office Action refers to Fig. 1 of Burton and states that "Burton et al. discloses a system for controlling an active suspension component of a vehicle and a vehicle

occupant protection device of the vehicle, said system comprising: a controller, said controller being operatively connected to at least one active suspension component of a vehicle and at least one vehicle occupant protection device of the vehicle." It is respectfully suggested that this is not correct.

Referring to Fig. 1 of Burton et al., an electronic suspension control unit 18 is connected to an active suspension component (shock absorbers 12). A signal processor 16 is connected to the electronic suspension control unit 18 and to the airbag assembly 19. Specifically, a wire connects the electronic suspension control unit 18 to the signal processor 16 and a separate wire connects the airbag assembly 19 to the signal processor 16. There is no wire that connects the electronic suspension control unit 18 to the air bag assembly 19.

The Office Action further suggests that the signal processor 16 is a "controller." It is respectfully suggested that this is not correct. Burton et al., on page 2, states that the element referred to as number 16 in Fig. 1 is a signal processor unit. In *The Illustrated Dictionary of Electronics 6th Ed.*, the definition of a "signal processor" is: "any device--such as a preamplifier, expander, amplitude limiter, delay network, and the like--which may be inserted

into a system, often externally, to modify an input signal or an output signal." Clearly, one skilled in the art would understand that the signal processor 16 is not a controller, but is, instead, a circuit that transforms or modifies the acceleration output signals into a form to be subsequently used by other circuitry. "The signal processor unit 16 acts so as to transform the data received from the accelerometers 21, 22, 23 into the required outputs for the sub-systems supplied by applying pre-determined transfer functions to the inputs to produce the required outputs." (See page 3 of Burton et al.) Therefore, it is clear that circuit 16 is simply a signal processor and NOT a controller. In accordance with the presently claimed invention, a controller (i.e., a single controller) controls BOTH at least one active suspension component and at least one vehicle occupant protection device. Simply providing a transformed signal to the air bag assembly 19 is not control of the air bag actuation by Burton et al.

Claim 1 has been amended to make clear that the present invention includes a single controller that is controllably connected to at least one active suspension component and controllably connected to at least one occupant protection device of the vehicle. Therefore, it is respectfully requested that claim 1 be allowed.

Claims 2-12 are allowable for at least the same reasons claim 1 is allowable. Claims 8 and 9 have been amended to be consistent with claim 1.

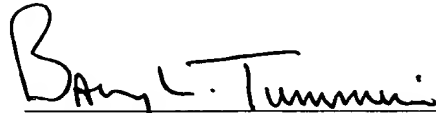
With regard to the rejection of claims 7 and 12 using Bauer et al., the present application and Bauer et al., are assigned to companies that are both subsidiaries of TRW Automotive Inc. Therefore, Bauer et al. can not be used in a \$103 (\$102(e)) rejection. This basis for rejection should be withdrawn.

Claim 13 has been amended to recite a single controller being controllably connected to at least one active suspension component and controllably connected to at least one occupant protection device. For reasons similar to those set forth above regarding claim 1, it is respectfully suggested claim 13 is allowable. Claim 14 is allowable for at least the same reasons claim 13 is allowable. It is respectfully requested that claims 13 and 14 be allowed.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in
the fees for this amendment to our Deposit Account
No. 20-0090.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Barry L. Tummino". The signature is written in a cursive style with a large initial "B".

Barry L. Tummino
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